

Authority: 30 U.S.C. 1201 et seq.

2. 30 CFR 946.15, is amended by adding a new paragraph (gg) to read as follows:

946.15 Approval of regulatory program amendments.

* * *

(gg) The following amendment submitted to OSM on May 6, 1993, effective September 24, 1993. The amendment consists of the following modifications to the Virginia program:

Revisions to §§ 45.1-243 and 45.1-258 of the Code of Virginia, as set forth in House Bill 1687 as enacted during the 1993 session of the Virginia General Assembly.

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BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[OR-33-1-5973; FRL-4734-1]

Designation of Areas for Air Quality Planning Purposes: Oregon

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Pursuant to section 107(d)(3) of the Clean Air Act (Act), the Environmental Protection Agency (EPA) is taking final action to redesignate Lakeview, Oregon, from an unclassifiable to a moderate nonattainment area for PM-10 (particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers). The boundary of the nonattainment area is defined by Lakeview's Urban Growth Boundary (UGB).

EFFECTIVE DATE: October 25, 1993.

FOR FURTHER INFORMATION CONTACT: Rindy Ramos, Air Programs Development Section (AT-082), U.S. Environmental Protection Agency, Region 10, Seattle, Washington 98101, (206) 553-8510.

SUPPLEMENTARY INFORMATION:

I. Background

On July 1, 1987, EPA revised the National Ambient Air Quality Standard (NAAQS) for particulate matter (52 FR 24834), replacing total suspended particulates as the indicator for particulate matter with a new indicator called PM-10 that includes only those particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers. At the same time, EPA set

forth regulations for implementing the revised particulate matter standards and announced EPA's State implementation plan (SIP) development policy, elaborating PM-10 control strategies necessary to assure attainment and maintenance of the PM-10 NAAQS (see generally 52 FR 24672).

The 24-hour PM-10 NAAQS is 150 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$). The standard is attained when the expected number of days per calendar year with a 24-hour average concentration above $150 \mu\text{g}/\text{m}^3$ is equal to or less than one (see 40 CFR 50.6(a)). The annual PM-10 NAAQS is 50 $\mu\text{g}/\text{m}^3$ and the standard is attained when the expected annual arithmetic mean concentration is less than or equal to 50 $\mu\text{g}/\text{m}^3$ (see 40 CFR 50.6(b)). Conversely, an area is not in attainment with the 24-hour PM-10 NAAQS if the expected number of days per calendar year with a 24-hour average concentration above $150 \mu\text{g}/\text{m}^3$ is greater than one. Additionally, an area is not in attainment with the annual PM-10 NAAQS if the expected annual arithmetic mean concentration is greater than 50 $\mu\text{g}/\text{m}^3$.

The EPA is authorized to redesignate areas (or portions thereof) as nonattainment for PM-10 pursuant to section 107(d)(3) of the Act, on the basis of air quality data, planning and control considerations, or any other air quality-related considerations that the Administrator deems appropriate.

On December 29, 1992, the Governor of the State of Oregon notified EPA that the ambient PM-10 monitoring site in the City of Lakeview, Oregon, had recorded an exceedance of the 24-hour PM-10 NAAQS on January 9, 1992. Because the area had recorded three exceedances of the PM-10 NAAQS in 1991 (January 4, 14, and 16), this exceedance in 1992 resulted in the expected number of days per calendar year to be greater than one indicating that the area is in violation of the PM-10 NAAQS. At the same time, the Governor of the State of Oregon requested that the area within Lakeview's Urban Growth Boundary (UGB) be redesignated as nonattainment for PM-10.

II. Response to Comments

EPA received no comments on its June 25, 1993 (58 FR 34403) Federal Register proposal to redesignate Lakeview from unclassifiable to a moderate PM-10 nonattainment area.

III. Significance of Today's Action

The Lakeview, Oregon, PM-10 nonattainment area will be subject to the applicable requirements of part D,

title I of the Act and will be classified as moderate by operation of law (see section 188(a) of the Act). Within 18 months of the designation, the State of Oregon is required to submit to EPA an implementation plan for the area containing, among other things, the following requirements: (1) Provisions to assure that reasonably available control measures (including reasonably available control technology) are implemented within 4 years of the redesignation; (2) a permit program meeting the requirements of section 173 governing the construction and operation of new and modified major stationary sources of PM-10; (3) quantitative milestones which are to be achieved every 3 years until the area is redesignated attainment and which demonstrates reasonable further progress, as defined in section 171(1) toward timely attainment; and (4) either a demonstration (including air quality modeling) that the plan will provide for attainment of the PM-10 NAAQS as expeditiously as practicable, but no later than the end of the sixth calendar year after the area's designation as nonattainment, or a demonstration that attainment by such date is impracticable (see, e.g., sections 188(c), 189(a), 189(c), and 172(c) of the Act). The EPA has issued detailed guidance on the statutory requirements applicable to moderate PM-10 nonattainment area (see 57 FR 13498 (April 16, 1992), and 57 FR 18070 (April 28, 1992)).

The State is also required to submit contingency measures, pursuant to section 172(c)(9) of the Act, which are to take effect without further action by the State or EPA, upon a determination by EPA that an area has failed to make reasonable further progress or attain the PM-10 NAAQS by the applicable attainment date (see 57 FR 13510-13512, 13543-13544). The EPA is establishing the schedule for submission of contingency measures as called for in section 172(b) of the Act. The State of Oregon is to submit contingency measures for the Lakeview nonattainment area within 18 months of designation.

IV. Administrative Review

This action has been classified as a Table 8 action by the Regional Administrator under the procedures published in the *Federal Register* on January 19, 1989 (54 FR 2214-2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for table 2 and

3. SIP revisions. The OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities (5 U.S.C. 603 and 604). Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities (5 U.S.C. 605(b)). Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

Redesignation of an area to nonattainment under section 107(d)(3) of the Act does not impose any new requirements on small entities.

Redesignation is an action that affects the status of a geographical area and does not impose any regulatory requirements on sources. To the extent that an affected State must adopt new regulations, based on an area's nonattainment status, EPA will review the effect that those actions have on small entities at the time the State submits those regulations. I certify that the redesignation action announced today will not have a significant economic impact of a substantial number of small entities.

List of Subjects in 40 CFR Part 81

Air pollution control, Environmental Protection, National parks, Wilderness areas.

Dated: September 14, 1993.
Gerald A. Emission,
Acting Regional Administrator.

Part 81, chapter 1, title 40 of the Code of Federal Regulations is amended as follows:

PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

2. Section 81.338 is amended in the table for Oregon-PM-10 nonattainment areas by adding an entry for Lake County to read as follows:

§ 81.338 Oregon.

OREGON—PM-10 NONATTAINMENT AREAS

Designated area	Designation		Classification	
	Date	Type	Date	Type
Lake County (part): Lakeview: The Urban Growth boundary area.	[Insert date 30 days from date of publication].	Nonattainment.	[Insert date 30 days from date of publication].	Moderate

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40 CFR Part 271

[FRL-4735-8]

Alabama: Final Authorization of Revisions to State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: Alabama has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). Alabama's revisions consist of the provisions contained in HSWA Cluster II. Alabama submitted a program revision application for the requirements in HSWA Cluster II, and a separate application was submitted for the Organic Air Emission Standards, a HSWA Cluster II provision. These requirements are listed in section B of this notice. The Environmental Protection Agency (EPA) has reviewed Alabama's applications and has made a decision, subject to public review and comment, that the Alabama hazardous waste program revisions satisfy all of the requirements necessary to qualify

for final authorization. Thus, EPA intends to approve Alabama's hazardous waste program revisions. Alabama's applications for program revisions are available for public review and comment.

DATES: Final authorization for Alabama's program revisions shall be effective November 23, 1993, unless EPA publishes a prior Federal Register action withdrawing this immediate final rule. All comments on Alabama's program revision application must be received by the close of business, October 25, 1993.

ADDRESSEES: Copies of Alabama's program revision applications are available during normal business hours at the following addresses for inspection and copying: Alabama Department of Environmental Management, 1751 Congressman W.L. Dickinson Drive, Montgomery, Alabama 36130; U.S. EPA Region IV, Library, 345 Courtland Street, NE, Atlanta, Georgia 30365; (404) 347-5218. Written comments should be sent to Leonard W. Nowak at the address listed below.

FOR FURTHER INFORMATION CONTACT: Leonard W. Nowak, Acting Chief, State Programs Section, Waste Programs Branch, Waste Management Division, U.S. Environmental Protection Agency,

345 Courtland Street, NE, Atlanta, Georgia 30365; (404) 347-2234.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act ("RCRA" or "the Act"), 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98-616, November 8, 1984, hereinafter "HSWA") allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive "interim authorization" for the HSWA requirements under section 3006(g) of RCRA, 42 U.S.C. 6926(g); and later apply for final authorization for the HSWA requirements.

Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to